

Vaid ICS Lucknow

NAME - NEHA

Law Mock Test 6

Question :- who are entitled to vote at the time of Municipal election?

Answer :- All the persons whose name appears in the electoral roll of any ward are entitled to vote at the time of municipal election.

⇒ Section 13E Prop provides Right to vote :- every person who is for the time being entered in the electoral roll of any ward shall be entitled to vote in the ward.

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Incomplete

Sec 12D

- Can law  
- Municipal  
Board Form

State of  
1999

Question-2 Describe the Consequences of dissolution of Municipality?

Answer:- Section 31-A ~~part~~ provides that where a municipality is dissolved under section 30, the following

Consequences shall follow:-

[a] vacation of office:- All members of municipality including the president shall

*Handwritten notes:* "Duties" with an arrow pointing to "All members of municipality"; "Mandate" with an arrow pointing to "including the president"; "Section" with an arrow pointing to "shall".

On a date to be specified to the order, vacate their office without prejudice to their eligibility for re-election.

[b] until the constitution of New municipality-

[i] Exercise of powers, functions and duties by persons appointed by state:- All powers, functions and duties of the municipality, its president and committees shall be vested in a person or persons as the State Government may appoint.

[ii] Appointed persons to be paid out of municipal fund →

Salary and allowances of appointed person shall be paid out of municipal fund.

[iii] incidental and consequential provisions → The state Government by

notification in official Gazette make incidental or consequential provisions.

Question 3:- write a short note on duties of municipality.

Answer:- As per section 7 of U.P. municipality Act 1916,

it shall be duty of every municipality to make reasonable provision within the municipal area for —

[1] Lighting public street.

[2] Watering public street.

[3] Make a survey.

[4] Cleaning public street

[5] Confinement, removal of dangerous animals.

Duty

→ mandatory

see

Govt

part of

↓  
Discretion  
section of

each

- [6] Removing dangerous buildings.
- [7] Registration of birth and death.
- [8] Maintaining a system of public vaccination.
- [9] Establish Primary school.
- [10] Maintaining public street.

Question-4 :- Discuss about the power of municipality to impose tax?

Answer :- Section 128 of municipality Act 1916, provides that municipality can impose tax.

Taxes that can be imposed by the municipality :->

- [1] Tax on the annual value of building.
- [2] Water tax.
- [3] Drainage tax on annual value of building.
- [4] Tax on trades.
- [5] Theatre tax.

[6] Tax on deeds of transfer of immovable property.

[7] Tax on vehicles.

[8] betterment Tax.

Question-5 :- Who can order the demolition of the building? What is the remedy against this order?

Answer :-

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Question 6:- Write a short note on acquisition and disposal of land under U.P. Planning and Development Act, 1973?

Answer:- Section 17 of U.P. Planning and Development Act, 1973 provides compulsory acquisition of land by the State Government. and Section 18 provides for the disposal of land by the development or Local Authority.

Acquisition land by State Government:-> As per Section 17 if in the opinion of the State Government, any land is required for the purpose of development or of any other purpose under the U.P. Urban and Planning and Development Act 1973. ~~The State Government~~ may acquire such land.

Proviso of section 17[C], provides that any person, from whom any land is acquired, may after the expiration of a period of five years from the date of such acquisition apply to the state government for restoration of that land to him.

Disposal of land by the Authority or the local Authority concerned: →

Section 18[C] provides that subject to any directions given by the state government, the authority or the local authority concerned may dispose of —

[i] Any land acquired by the state government and transferred to it.

[ii] Any such land after undertaking or carrying out such development subject to such terms and condition as it considers expedient for securing the development of the development area.

Comment →

Interpret relevant case law in An I - 21/5